IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.7879 of 2003

Balkrishna G Choudhary and ors.. Petitioners

vs

Kalyan Mun Corpn and ors...Respondents

Mr Rajesh S Datar for petitioners

Mr A.S.Rao with V.A.Gangal for respondent no.l

Mr M V.Limaye for other respondents

CORAM: S.U.KAMDAR J.

Dated 16.l2.2005

P.C:

. The learned counsel for the respondent no.l states that they have already followed the due process of law and passed necessary order for demolition of the structure after hearing the parties. The learned counsel for the petitioners states that the suit challenging the said orders is pending in the trial court. In the light of the aforesaid the question of interference with the

orders impugned order does not arise because impugned order only states that the demolition should not be carried out without following the due process of law. That the due process of law having been initiated the dispute has to be determined according to the substantive rights of the parties in the pending suit. Hence petition does not survive. However it is expressly made clear that the petitioners will be entitled to apply for necessary orders in the pending suit or initiate any fresh proceedings challenging the substantive orders for demolition of the said structure. If such an application is made the court below will consider the same on its own merits without being influenced in any manner by the order passed herein. Status quo to be maintained for two weeks from today. It is further made clear that the petitioners will not move the trial court for any interim reliefs without notice to the respondent no.l. Petition is disposed off accordingly with no order as to costs.